

## CLEARY FREED AFTER JURY IS OUT 6 HOURS

Acquittal Surprised Prisoner, Who Looked for Disagreement.

## WIFE FLED COURT AS JURORS ENTERED

Congratulations by Many Friends When Verdict Is Announced.

## PROSECUTOR'S WORDS HELPED ACCUSED

Father's Desire to Avenge Daughter Won During Debate of Jurors.

(By a Staff Correspondent of The Tribune.)  
New City, Dec. 19.—William V. Cleary was acquitted at 9:04 o'clock to-night of the murder of Eugene M. Newman, his young son-in-law, on July 25. The verdict stunned Cleary. He had expected either a disagreement or conviction in a minor degree.

The jury was out five hours and fifty-five minutes. The courtroom bell indicating that the jury was ready to report sounded at 8:04 o'clock. Justice Morschauer was summoned and he came to the bench three minutes later. District Attorney Gagan, smiling nervously, stepped in quickly. He sat first in one corner chair, then another, and finally moved to his regular place in front of the judge.

Only four or five spectators, exclusive of reporters, were in the courtroom, but the feet of scores of other persons, warned by the courthouse bell, could be heard scurrying across the low lawn through the rain.

Cleary was brought in and his wife was directly behind him. The slayer had his lips firmly together, but a slight flush was in his cheeks. As he sat down Mrs. Cleary placed herself behind him, but she was so agitated that she could not control herself and ran out of the room through the rear exit and downstairs to the sheriff's room.

Search for Cleary's Counsel.  
Robert M. Moore, of counsel for the defense, entered. The court asked that Frank Conesky, Cleary's chief attorney, be summoned. He could not be found by the first squad of searchers, so the courthouse bell was again sounded. He came in.

"Bring in the jury," said Justice Morschauer.  
They were led in. The formality of "Defendant, look upon the jury," etc., was dispensed with.

"Gentlemen, have you agreed upon a verdict?" asked Cyrus Crum, acting County Clerk.  
"We have," said Frank Heddy, the foreman.

In reply to "What is it?" Heddy said: "We find the defendant not guilty."

Cleary remained in his chair, looking steadily at Heddy. He was very quiet and had himself well in hand.

Conesky moved Cleary's discharge. Cleary then rose, and, evading his congratulating friends, with kindly glances, walked over to Heddy, shook his hand, and said:

"I thank you for your just and merciful verdict."

Heddy murmured something, and Cleary walked to the other jurors and thanked them.

But not a sign of the real emotion that he must have gripped him showed in his face or voice.

While the jury was being discharged Cleary hurried down stairs to his overhauled wife.

Mr. and Mrs. Cleary, after a few minutes together, emerged crying and stepped into an automobile, which took them to the home of Cleary's mother in Haverstraw. They will go soon on a trip to the tropics.

Jury Get Thanks.  
"I do not approve of this verdict," said District Attorney Gagan. He had nothing more to say. The attorneys for Cleary crowded to the jurors and thanked them. They smiled. When a brief demonstration. A few friends of Cleary cheered, but though the court did not order the noise checked it did not continue long.

The jury took several ballots, the first vote showing eight for acquittal and four for conviction. No degree was discussed then, and though four ballots showed the same situation a discussion of the case was not taken up. Cleary's act was excused on the ground that he sought to avenge the violation of honor of his wife and also on the ground that he did not know what he was doing when he shot Newman.

Cleary had no statement to make. Neither did Mrs. Cleary earlier in the night. She said everything in the domestic relation was harmonious, and that there had not been any discord since Cleary shot Newman.

Fred E. Newman, father of the dead boy, was not in court. He could not be reached.

Cleary will not go away to the South until next week, it is said. His daughter will accompany him and his wife. When he returns from this trip he will resume his duties as town clerk of Haverstraw, a position held by his brother Ambrose since his arrest for murder.

Prosecution Aids Cleary.  
The jury left the courtroom for deliberation at 3:09 o'clock p. m., six minutes after the judge had finished reading his charge. In charge of two deputy sheriffs, they were taken to a small room across the narrow hall from the courtroom entrance.

Cleary remained less than five minutes in the room after the jury retired. He did not want to sit around and be stared at by the spectators who were

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## BOY, SKATER DROWNED

Saves Small Brother at Bradley Beach with Crowd Near.  
Asbury Park, N. J., Dec. 19.—The first skating fatality of the season in this section occurred to-day, when James Madigan, jr., sixteen, lost his life on Sylvan Lake, Bradley Beach. The lake was well filled with skaters at the time, but apparently none witnessed the accident. The victim and his brother Frank, aged nine, skated into an open stretch of water. The older boy helped his brother out of the water, but was too exhausted to save himself. His body was recovered twenty minutes after the accident.

## ARRESTS STREW HIS PATH

Boston Policeman Busy with Prisoner Chained to Him.  
Boston, Dec. 19.—Although handicapped with a prisoner chained to his wrist, Police Inspector W. J. Rooney made two arrests to-day while bound from the South station to the Charles st. jail.

Arriving at the station with a prisoner from Cleveland, the officer observed an alleged pickpocket in the crowd, and pursued and captured him. Later, on the way to the jail, Rooney recognized another man whom he had a warrant, and arrested him. Rooney saw all three prisoners locked up.

## MRS. DONALDSON LOCKED IN A CELL

"Million Dollar Bride" in Hair-Pulling Match with Mother-in-Law's Maid.

(By Telegraph to The Tribune.)  
Philadelphia, Dec. 19.—Mrs. Keith Donaldson, the divorced wife of Keith Donaldson, of this city and New York, formerly known throughout society circles in the South as "the million dollar bride," to-night was arrested and locked in a cell on charges preferred by her mother-in-law, following a hair-pulling match at the latter's home here. The affair has created intense excitement in society circles, owing to the prominence of those concerned.

Mrs. Donaldson, who declared she came to this city several days soon after her arrival from London, to-night went to the home of her mother-in-law, Mrs. William Donaldson, and requested permission to see her seventeen-year-old daughter, who had been left in her husband's custody after her divorce several years ago. When her request was refused and she attempted to enter the house a scuffle ensued between her and the Donaldson's maid, each afterward accusing the other of pulling out her hair.

Mrs. Donaldson was pushed to the sidewalk, but later gained entrance to the house, and quarreled with her mother-in-law until the arrival of a policeman, who had been called by the elder Mrs. Donaldson.

Mrs. Keith Donaldson, before her marriage in 1906, was Miss Evelyn Hunter, of Memphis, Tenn. She was one of the most noted beauties of the South and was also heiress to great wealth. When she was given for her, and under her plate was a check for \$1,000,000, the gift of her uncle, Charles R. Payne, of Texas, a partner of James Henry ("Silent") Smith. This gift resulted in her becoming known as "The Million Dollar Bride" when her betrothal to Keith Donaldson was announced. Her father, A. Willis Hunter, a cotton broker of Memphis and Chicago, was married to Donaldson, the young bride entered New York society, and for a while had great social success, numbering among her intimates friends Mrs. David Greenglass, Vanderbilts, and Smith, Collins, McKim, and she had a town house in East 58th st. and a country residence at Cedarhurst.

Her views on an ideal husband followed.  
"When abroad I studied the Continental gentlemen," she said, "but I found them way back in the field when it comes to racing with Southerners, especially Texans. They do equal Northern men, I must admit, but the Westerners, neither Easterners or Westerners, are not fitted to be husbands. I think every Northern father should send his son South for a finishing education in gallantry. He will learn much that will make him fitted to compete with the hundreds of foreigners who come to New York and break into the families of the rich."

## FRANK CASE ONCE MORE IN BALANCE

Habeas Corpus Appeal to United States Supreme Court Depends on Judge.

Atlanta, Dec. 19.—Attorneys for Leo M. Frank, under death sentence for the murder of Mary Phagan, to-day made a second effort to bring his conviction before the United States Supreme Court for review. Federal Judge Newman denied a petition for Frank's release on a habeas corpus writ, and a petition for an appeal immediately was presented. It will be passed on by Judge Newman Monday.

There was some confusion regarding the appeal, and it first was announced that Judge Newman had granted it. He stated to-night, however, that his announcement was that he was declining to grant the appeal. Under a federal statute, a federal judge, in granting an appeal in habeas corpus proceedings, must issue a certificate stating that in his opinion there is "probable cause for an appeal."

The habeas corpus writ was sought on the ground that Frank's constitutional rights were violated, in that he was "involuntarily absent" from the courtroom when the verdict was announced. The prisoner's attorneys argued that the Georgia state courts lost jurisdiction in the case when he was denied the right to face the jury at the culmination of his trial. They declared, therefore, that Frank had been deprived of his liberty without due process of law.

A writ for a Supreme Court review of the case recently was denied by both state and federal courts in a proceeding based on practically the same contentions, but not involving a habeas corpus petition.

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## FEDERAL BOARD URGED TO CURB 'CURE' TRAFFIC

Dr. G. M. Kober Asserts Law as Planned by Tribune Would End Evil.

## BAR MAILS TO QUACKS, SUGGESTED

Commission to Study Way to Efface Exploitation of Secret Drugs Proposed.

(From a Staff Correspondent of The Tribune.)  
Washington, Dec. 19.—Dr. George M. Kober, president of the National Association for the Study and Prevention of Tuberculosis, in an interview to-day said that a federal commission should be appointed to investigate the patent medicine traffic. He would have the commission composed of representatives of the Postal Department, the Bureau of Chemistry and the Public Health Service.

National legislation, as urged by The Tribune, Dr. Kober said, would alone end the evil in this country.

"The crusade of The Tribune against the nostrum evil and fake cures," said Dr. Kober, "will be hailed with delight by every person who has made a study of the baneful effects of this nefarious business upon the health and general welfare of the community."

"Some idea of the enormity of the nostrum evil may be formed by a perusal of the Report of Commissioner Octavius C. Beale to the Parliament of the Commonwealth of Australia, and an inspection of the store-rooms of the Division of Drugs of the Bureau of Chemistry, Department of Agriculture, where thousands of preparations may be found."

Many Patents Issued.  
"The Commissioner of Patents informed me in 1908 that, up to October 31, 1908, the office had issued 2,140 patents, and 8,595 trade marks on drugs, chemicals and medical compounds."

"Dr. Lyman F. Kober, Chief of the Division of Drugs of the Bureau of Chemistry, writes me that there are about 25,000 proprietary medicines on the market in this country, not one-tenth of which have been analyzed by his office for lack of laboratory force. 'Reputable physicians do not traffic in secret drugs,' as the officers of the American Medical Association consider it derogatory to professional character for physicians to hold patents for medicines or to dispense or promote the use of secret medicines, for if such nostrums are of real efficacy any concealment regarding them is inconsistent with beneficence and professional liberality, and if mystery alone can give them public notoriety such craft implies either disgraceful ignorance or fraudulent avarice."

"My interest in the subject of the nostrum evil began in 1906, when, as a member of the committee of the Medical and Surgical Society of the District of Columbia to investigate the extent of the opium habit, I had occasion to witness the physical and moral degradation of the addict, and the use of drugs which ensnare."

"Investigation into the causes of the opium habit led to the decision that one class of subjects concerned in the habit be the use of the milder preparations of opium and various proprietary remedies, commonly known as pain killers, soothing syrups and cough and consumption 'cures.'"

How Habits Are Formed.  
"Another class evidently acquired the habit by the constant use of prescriptions containing opium or its preparations for the relief of pain, the individuals being at first quite unconscious of the enslaving nature of the drug."

"The third class of persons belonged

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## CHRISTMAS SPIRITS LURED HIM INTO BURGLARY TANGLE

Bookkeeper, After Celebrating, Finds Himself in Another's Bedroom—Arrest Follows, and Then He Loses Place in Bank.

A touch of Christmas was too much for George E. Mead. For four years, employed in the Mechanics' and Metals National Bank, at 50 Wall st., he led the safe and sane life of a bookkeeper. He was, his employers said, "sober, honest and industrious." Previous Christmasmas were weathered easily and successfully, but the one now impending was scheduled to bring about his downfall.

On Friday the bank made its annual distribution of Christmas funds, and Mead was the recipient of \$65. At 5 o'clock, suffused, it is assumed, with the Christmas spirit, he left the bank and departed in the general direction of his home, at 29 Wyona st., Brooklyn, where he lives with his wife and child.

The next eleven hours in Mead's life would be represented in fiction by a line of asterisks. By piecing together bits of evidence, the conclusion was reached yesterday that at least a portion of the time was spent in celebration of the fact that Christmas comes but once a year. The form of the celebration can only be guessed at: The \$65, at any rate, shrank to \$50 during the celebrating period.

The eleven hours ended at 4 o'clock yesterday morning. At that instant Mead was standing in the bedroom of Mr. and Mrs. Winfred Hauschild, at 279 Evergreen av., Williamsburg. The Hauschilds live only three miles from Mead's home, so he had made progress.

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## WHILE HE PLANS SNARE TO TRAP BAFF SLAYERS

Governor - Elect's Action Leads to Hint Right Trail Has Been Found.

## HARDEST WORK DONE, SAYS DELEHANTY

Solution of Murder Mystery, He Asserts, Merely a Matter of Hours.

Supreme confidence was expressed by James A. Delehanty, Assistant District Attorney, last night that the solution of the Baff murder mystery was merely a matter of a few hours. This statement, coupled with the announcement by District Attorney Charles S. Whitman that he himself would direct the work of the grand jury in its continued investigation to-morrow, lends color to the theory that some of the prisoners now in custody are implicated in the shooting of the West Washington Market poultryman.

"The hardest work in the case has been done," said Mr. Delehanty last night. "Little remains to be accomplished. It is probable, however, that additional arrests will be made in the case soon."

Mr. Delehanty laughed at the statement which appeared in a newspaper, to the effect that \$250 was the price paid by business rivals of Baff for the commission of the crime.

"That is buncombe," he remarked. "As a matter of fact, we are not so much interested in the price for the crime as we are in the identity of the conspirators who formed the plot and paid for it. We think that we know them, and they will be placed under arrest at the proper time."

Whitman to Push Case.

The fact that Governor-elect Whitman has decided to take personal charge of the conduct of the case henceforth was regarded last night as most significant. It was pointed out that Mr. Whitman could hardly consent to give up his time unless he was convinced that the investigators had struck the right trail.

Isidor Lizansky, an employee of the murdered poultryman, who overheard the telephone conversation which summoned the latter to his death, was placed under arrest yesterday, and, with James Moore, previously arrested, was arraigned before Judge Malone, of General Sessions, in the latter's chambers. Both were charged with being material witnesses in the Baff case and were remanded in \$10,000 bail each.

On the night of the murder Lizansky followed Barnett Baff, it is said, from the store, and was directly around the corner when the shooting occurred.

Harry Cohen, alias "Kid Griffo," was arraigned also before Judge Malone, and was remanded as a material witness to the House of Detention. It is believed he furnished the District Attorney's office with valuable information concerning the activities of his two brothers, Joseph and Jacob, both under arrest charged with assault in the first degree on A. T. Pearson, the Eastern representative of the National Live Poultry Dealers' Association.

Pearson was a friend of Baff and was hated by the same rival business interests which were antagonistic to the murdered man. Joseph and Jacob

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MRS. HENRY CLEWS, JR., AND HER SON, OGDEN GOELET.



## MRS. GOELET WEDS CLEWS IN HASTE

Guests and Florists Brush Elbows as Couple Go to Altar.

## LICENSE ONLY HINT OF THE WEDDING

Both Have Been Divorced and Marriage Cuts Bride's Alimony in Half.

After a day spent in hasty preparation, amounting almost to wild confusion, Henry Clews, jr., and Mrs. Elsie Whelen Goelet were married last night at the home of Mrs. Goelet, 8 Washington Square North. So much had to be done in the time available that the arrangements had hardly been completed before the wedding had taken place. In fact, it might be said to have "occurred."

The ceremony had been scheduled for 2 o'clock by Mr. Goelet, who had been out all morning arranging business affairs, did not arrive at her home until after that hour. The work of decorating the room for the occasion was still under way when the first guests arrived, and was not completed until 4 o'clock.

The Rev. Dr. W. A. Patton, of Wayne, Penn., officiated, and there were present only the members of the families of the bride and bridegroom. The guests were Mrs. C. Hartman Kuhn, of Philadelphia, mother of the bride; Mr. Kuhn, Mr. and Mrs. William B. Whelen, brother and sister-in-law of Mrs. Goelet; Mr. and Mrs. Henry Clews, sr., Mr. and Mrs. Herbert Parsons, brother-in-law and sister of the bridegroom, and Mrs. Goelet's two sons, Ogdene and Peter.

The ceremony was performed in the music room of Mrs. Goelet's home. A temporary altar had been placed in the northwest corner of the room, and both the music and dining rooms were decorated elaborately with banked palms and ferns, call lilies, lilies-of-the-valley and chrysanthemums.

The guests left the house immediately after the wedding. Dr. Patton was the first to depart, and was driven in Mr. Kuhn's car to the Pennsylvania Station in time for the 6 o'clock train to Philadelphia.

Prof. Louis Secorey attended the arrangements for the marriage, and the first inkling of it came yesterday morning, when Mr. Clews and Mrs. Goelet applied for a marriage license. Mrs. Clews gave her age as thirty-eight and his occupation as an artist. Mrs. Goelet said she was thirty-three years old.

Neither the bride nor the bridegroom would make any statement yesterday as to their plans, and the answer given by every one connected with the Goelet household to requests for information was "I don't know."

Some comment was aroused by the action of Mr. Clews' eleven-year-old son, Henry Clews, 8d. The boy arrived in the car of Mrs. Henry Clews, sr., accompanied by the children of Herbert Parsons, who had spent the day with him at his father's studio, 145 East 19th st.

When the car was driven up to the Goelet home young Clews refused to leave the machine. Instead, he directed the chauffeur to drive him back to the studio. His grandmother's efforts to induce him to accompany her were a total failure.

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## BRITISH SHIPS SHELL FLANDERS TRENCHES; GERMANS IN LOWICZ

Fleet Fire at Night Sweeps Nieupoort-Middlekerke Line—Enemy Replies from Land with Naval Guns.

## PETROGRAD CLAIMS GERMAN CHECK

Russians Foil Attempt of Kaiser's Troops to Cross to South Bank of Vistula—Berlin's Celebration Premature.

The British fleet has again come to the aid of the land forces, and is reported to have shelled the German positions between Nieupoort and Middlekerke. The Germans are said to have used 12-inch naval guns in replying to the enemy's fire.

In Flanders the British troops were forced yesterday to yield several of the trenches they had captured the day before. The Indian corps, on the other hand, made an advance of several hundred yards. Near Lihons a German column was surprised while marching and was annihilated, according to the French official report. The Allies have brought up an enormous weight of artillery to clear the way for the infantry, and are pushing their offensive with vigor, though the bad condition of the ground and the stubborn counter attacks of the Germans combine to make their progress slow.

The Germans, attempting to cross from the north to the south bank of the Vistula, have been driven back and their pontoon bridges seized by the Russians. The fighting in the Byura River region (south of the Vistula) is continuing. The Russian grip on Cracow has not been loosened by the German offensive in Poland or the Austrian attacks from the Carpathian passes. The lack of details in both the Petrograd and Berlin official reports concerning the reported German victory in Poland is taken to indicate that the great celebration in Berlin was premature.

Posen, German Army Headquarters in the East, Dec. 18, via Berlin and London, Dec. 20, 3:59 a. m.—Field Marshal von Hindenburg's army took Lowicz to-day (Friday), after heavy fighting for several days, and compelled the further retirement of the Russian lines.

Petrograd, Dec. 19.—The following official communication was issued to-night from General Headquarters: "On the right bank of the Vistula (North Poland) there has been no change. The enemy has been repulsed from the right bank of the Vistula near Dobzyn by the Russian artillery fire. The enemy has been compelled to retreat quickly, and has occupied the Vistula which he had occupied in this region."

"The fighting on the Byura River has begun to develop. We have repulsed several German attacks in other regions. On the left bank of the Vistula there have been engagements only by advance guards."

Despite Galicia, on the left bank of the Dniester, on the night of December 17-18, we captured as many as a thousand prisoners belonging to a German division which already had been engaged in this region."

A strong force from the Przemysl garrison attempted to open the railway in the direction of Biurocia (to the southwest). Our troops are fighting here under favorable conditions."

## Berlin's Celebration of Big Victory Believed Premature

London, Dec. 19.—Berlin's celebration of a great German victory in Poland, dispatches to-day indicate, was premature. All that the German headquarters says of the battle there in today's report is that the pursuit of the enemy continues.

The Russian official report received to-night says that the engagements which have taken place on the left bank of the Vistula have been nothing more than outpost affairs. In these the Russians would seem to have been engaged in holding the Germans; while the Russian main force was forming on the right bank of the Vistula in an endeavor to outflank the Russians, but this was frustrated by a destructive fire from the Russian artillery and the seizure of the pontoon bridges.

Despite the reports of the German press, the situation in that war zone is believed to be a stalemate. The Russian official report received to-night says that the engagements which have taken place on the left bank of the Vistula have been nothing more than outpost affairs. In these the Russians would seem to have been engaged in holding the Germans; while the Russian main force was forming on the right bank of the Vistula in an endeavor to outflank the Russians, but this was frustrated by a destructive fire from the Russian artillery and the seizure of the pontoon bridges.

Part of the Przemysl garrison has made a sortie in force in an attempt to open the railway to the southwest, and is giving battle to the Russian besiegers.

## Details of Success in Poland Kept from Berlin

Berlin (by wireless to Sayville, Long Island), Dec. 19.—In the absence of further advice regarding the reported German victory in Russian Poland, the German newspapers contain little comment on the situation in that war zone. Indeed, while it is announced that the retreating Russians are being followed up, nothing is known of the character of their retirement or of the pursuit, and no details have been made public of Field Marshal von Hindenburg's success.

The Austrians appear to have abandoned for a time all operations in Serbia. Teutonic military critics are of the opinion that the Austrians were faced with the question of either strengthening their forces in Serbia or in Western Galicia, and that they chose the latter course, as it was the one that required the greatest urgency.

Later events, the military observers say, fully justified the Austrian army headquarters staff's decision. The operations in Serbia will be resumed, it is expected, as soon as West Galicia is cleared of the Russians.

## Austrians Meet Stubborn Resistance Near Cracow

Vienna (via Amsterdam and London), Dec. 19.—The following official communication was issued to-day: "Our forces, which advanced beyond the line from Krosno to Zakliczyn, again met with stubborn resistance yesterday."

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